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10/540,149	06/21/2005	Willem Lubbers	PF030020	3540

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Robert D. Shedd
Thomson Licensing LLC
PO Box 5312
PRINCETON, NJ 08543-5312

EXAMINER
CHOKSHI, PINKAL R

ART UNIT	PAPER NUMBER
2425	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 December 2008_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,3-5 and 7-9_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,3-5,7-9_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

12/03/2008 has been entered.

Response to Arguments

2.   Applicant's arguments filed 12/03/2008 with respect to claim 1 have been

considered but are moot in view of the new ground(s) of rejection. See the new

rejection below.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 1, 3-5 and 7-9** are rejected under 35 U.S.C. 103(a) as being

unpatentable over US Patent 6,615,248 B1 to Smith (hereafter referenced as Smith) in

view of US Patent 6,931,593 B1 to Grooters (hereafter referenced as Grooters), US PG

Pub 2003/0204497 to Kalogeraki (hereafter referenced as Kalogeraki), and US Patent

7,444,661 to Wugofski (hereafter referenced as Wugofski).

　　　　Regarding **claim 1**, "method for creating a list of contents in a controlling

device connected to a domestic network to which are connected a number of

devices" reads on a method and a system that presents content selection options

from a plurality of content sources in home network environment (abstract)

disclosed by Smith and as represented in Fig. 2.

　　　　As to "the method comprising: sending over the network, from the

controlling device, a command specifying a filtering criterion but not specifying a

recipient device" Smith discloses (col.2, lines 48-50, 57-61) that the user

searches for data from various contents sources through user device. Smith

further discloses (col.9, lines 1-8) that when user selects "related any" option,

system searches across various content sources for relevant data relating to

search query. User does not select any specific content source for relevant data.

　　　　As to "creating in a device a local list on receipt of the command, the local

list itemizing the contents supplied by the device in which the local list is created

and involved in the filtering criterion specified by the command" Smith discloses

(col.7, line 61-col.8, line 1; col.8, lines 57-59) that based on the user search

query, each content source builds and provides the list of related data.

　　　　As to "transferring via the network the local list from the device to the

controlling device upon receipt by the device of a transfer request" Smith

discloses (col.7, line 67-col.8, line 1) that based on user search query request,

content source transmits available program related data on the display device of
user terminal as represented in Fig. 4.

As to "assembling in the controlling device local lists received from the
network to form the list of contents" Smith discloses (col.2, lines 61-63) that
based on user search query, system displays results of data found from multiple
content sources to user device.

As to "sending a notification to the controlling device upon creation of the
local list by the device" Smith discloses (col.3, lines 37-43) that the user device
receives the content information from a plurality of content sources based on the
user generated search query.

Smith meets all the limitations of the claim except "creation of the local list
by the device." However, Grooters discloses (col.8, lines 8-18) that based on
prior user defined preferences, system automatically searches for content related
to movie. Grooters further discloses (col.6, lines 43-45; col.7, lines 63-65) that in
a local network, list of channels are created for a specific device and transmitted
to receiver as represented in Figs. 2 and 3. Therefore, it would have been
obvious for one of ordinary skills in the art at the time of invention to create
program list in a device before sending it to user device as taught by Grooters so
a user could gain access to information regarding the various sources of media
available on the user's home network (col.1, lines 42-44).

Combination of Smith and Grooters meets all the limitations of the claim
except "a single command is sent to all the devices in the network." However,

Kalogeraki discloses (¶0015 and ¶0049) that user's one click (single command) for search query is sent to all the devices, using peer-to-peer search network as represented in Fig. 4. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Smith and Grooters systems by using a single command to send a request to multiple devices as taught by Kalogeraki in order to decrease the response time to a search request (¶0004).

Combination of Smith, Grooters, and Kalogeraki meets all the limitations of the claim except "each recipient device not responding if the respective device has no content corresponding to the criterion." However, Wugofski discloses (col.6, lines 3-31) that information system searches for a device with tuning source in the home network and when it determines that the device in question is not a tuning source (nonresponsive), it continues to look for next device which is a tuning source as represented in Fig. 4 (element 416). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Smith, Grooters and Kalogeraki's systems by using a device that's nonresponsive when there is no requested content present as taught by Wugofski in order to provide up-to-date information of programming with timing so viewer does not need to spend time viewing the source that does not provide any requested content (col.1, lines 19-21).

Regarding **claim 3**, "method wherein the controlling device sends transfer requests to each connected device following a specific action on the part of the user" Smith discloses (col.7, line 57-col.8, line 1) that based on the user's search query action from user device, all the contents sources receives the search query request and each one provides the list of related data to user device.

Regarding **claim 4**, "method wherein each transfer request is sent from the controlling device on receipt of a corresponding notification" Smith discloses (col.7, line 57-col.8, line 1) that based on the user's search query action, user device receives the list of program related data from all the contents sources.

Regarding **claim 5**, "method further comprising creating the list of contents in the controlling device by assembling the local lists dynamically as the local lists are received" Smith discloses (col.2, lines 61-63) that based on user search query, system creates and displays results of data found from multiple content sources to user device.

Regarding **claim 7**, "device connected to a domestic network, and designed to supply contents" reads on a method and a system that presents content selection options from a plurality of content sources in home network environment (abstract) disclosed by Smith and as represented in Fig. 2.

As to "the device comprises programmed means for creating a local list on receipt of a command from a controlling device specifying a filtering criterion" Smith discloses (col.2, lines 48-50, 57-61) that the user searches for data from various contents sources through user device.

As to "the local list itemizing the contents supplied in the device and involved in the filtering criterion specified by the command but not the specifying a recipient device" Smith discloses (col.7, line 61-col.8, line 1; col.8, lines 57-59) that based on the user search query, each content source builds and provides the list of program related data. Smith further discloses (col.9, lines 1-8) that when user selects "related any" option, system searches across various content sources for relevant data relating to search query. User does not select any specific content source for relevant data.

As to "sending a notification of creation of the local list" Smith discloses (col.3, lines 37-43) that the user device receives the content information from a plurality of content sources based on the user generated search query.

As to "transferring via the network the local list to another device connected to the network upon receipt of a transfer request" Smith discloses (col.7, line 67-col.8, line 1) that based on user search query, content source provides available program related data on the display device of user terminal as represented in Fig. 4. Smith further discloses (col.2, lines 61-63) that based on user search query, system displays results of data found from multiple content sources to user device.

Smith meets all the limitations of the claim except "creation of the local list." However, Grooters discloses (col.8, lines 8-18) that based on prior user defined preferences, system automatically searches for content related to movie. Grooters further discloses (col.6, lines 43-45; col.7, lines 63-65) that in a local network, list of channels are created for a specific device and transmitted to receiver as represented in Figs. 2 and 3. Therefore, it would have been obvious for one of ordinary skills in the art at the time of invention to create program list in a device before sending it to user device as taught by Grooters so a user could gain access to information regarding the various sources of media available on the user's home network (col.1, lines 42-44).

Combination of Smith and Grooters meets all the limitations of the claim except "a single command is sent to all the devices in the network." However, Kalogeraki discloses (¶0015 and ¶0049) that user's one click (single command) for search query is sent to all the devices, using peer-to-peer search network as represented in Fig. 4. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Smith and Grooters systems by using a single command to send a request to multiple devices as taught by Kalogeraki in order to decrease the response time to a search request (¶0004).

Combination of Smith, Grooters, and Kalogeraki meets all the limitations of the claim except "the recipient device not responding if the respective device has no content corresponding to the criterion." However, Wugofski discloses

(col.6, lines 3-31) that information system searches for a device with tuning

source in the home network and when it determines that the device in question is

not a tuning source (nonresponsive), it continues to look for next device which is

a tuning source as represented in Fig. 4 (element 416). Therefore, it would have

been obvious to one of the ordinary skills in the art at the time of the invention to

modify Smith, Grooters and Kalogeraki's systems by using a device that's

nonresponsive when there is no requested content present as taught by

Wugofski in order to provide up-to-date information of programming with timing

so viewer does not need to spend time viewing the source that does not provide

any requested content (col.1, lines 19-21).

Regarding **claim 8**, "device connected to a domestic network, and

designed to display a list of contents" reads on a method and a system that

presents content selection options from a plurality of content sources in home

network environment (abstract) disclosed by Smith and as represented in Fig. 2.

As to "the device comprises programmed means for sending over the

network a command specifying a filtering criterion but not specifying a recipient

device" Smith discloses (col.2, lines 48-50, 57-61) that the user searches for data

from various contents sources through user device. Smith further discloses

(col.9, lines 1-8) that when user selects "related any" option, system searches

across various content sources for relevant data relating to search query. User

does not select any specific content source for relevant data.

As to "receiving a notification that a local list is created in a responding device" Smith discloses (col.3, lines 37-43) that the user device receives the content information from a plurality of content sources based on the user generated search query.

As to "transmitting a transfer request to the responding device" Smith discloses (col.7, line 57-col.8, line 1) that based on the user's search query action from user device, all the contents sources receives the search query request and each one provides the list of related data to user device.

As to "for transferring via the network the local list from the responding device connected to the network, the local list created in response to the command" Smith discloses (col.7, line 67-col.8, line 1) that based on user search query, content source provides available program related data on the display device of user terminal as represented in Fig. 4. Smith further discloses (col.7, line 61-col.8, line 1; col.8, lines 57-59) that based on the user search query, each content source builds and provides the list of program related data. Smith further discloses (col.2, lines 61-63) that based on user search query, system displays results of data found from multiple content sources to user device.

Smith meets all the limitations of the claim except "creation of the local list." However, Grooters discloses (col.8, lines 8-18) that based on prior user defined preferences, system automatically searches for content related to movie. Grooters further discloses (col.6, lines 43-45; col.7, lines 63-65) that in a local network, list of channels are created for a specific device and transmitted to

receiver as represented in Figs. 2 and 3. Therefore, it would have been obvious

for one of ordinary skills in the art at the time of invention to create program list in

a device before sending it to user device as taught by Grooters so a user could

gain access to information regarding the various sources of media available on

the user's home network (col.1, lines 42-44).

Combination of Smith and Grooters meets all the limitations of the claim

except "a single command is sent to all the devices in the network." However,

Kalogeraki discloses (¶0015 and ¶0049) that user's one click (single command)

for search query is sent to all the devices, using peer-to-peer search network as

represented in Fig. 4. Therefore, it would have been obvious to one of the

ordinary skills in the art at the time of the invention to modify Smith and Grooters

systems by using a single command to send a request to multiple devices as

taught by Kalogeraki in order to decrease the response time to a search request

(¶0004).

Combination of Smith, Grooters, and Kalogeraki meets all the limitations

of the claim except "the recipient device not responding if the respective device

has no content corresponding to the criterion." However, Wugofski discloses

(col.6, lines 3-31) that information system searches for a device with tuning

source in the home network and when it determines that the device in question is

not a tuning source (nonresponsive), it continues to look for next device which is

a tuning source as represented in Fig. 4 (element 416). Therefore, it would have

been obvious to one of the ordinary skills in the art at the time of the invention to

modify Smith, Grooters and Kalogeraki's systems by using a device that's

nonresponsive when there is no requested content present as taught by

Wugofski in order to provide up-to-date information of programming with timing

so viewer does not need to spend time viewing the source that does not provide

any requested content (col.1, lines 19-21).

Regarding **claim 9**, "device connected to a domestic network, designed to

supply contents and display a list of contents" reads on a method and a system

that presents content selection options from a plurality of content sources in

home network environment (abstract) disclosed by Smith and as represented in

Fig. 2.

As to "the device comprises programmed means for creating the local list

on receipt of a command specifying a filtering criterion but not specifying a

recipient device" Smith discloses (col.2, lines 48-50, 57-61) that the user

searches for data from various contents sources through user device. Smith

further discloses (col.9, lines 1-8) that when user selects "related any" option,

system searches across various content sources for relevant data relating to

search query. User does not select any specific content source for relevant data.

As to "the local list itemizing the contents supplied in the device and

involved in the filtering criterion specified by the command" Smith discloses

(col.7, line 61-col.8, line 1; col.8, lines 57-59) that based on the user search

query, each content source builds and provides the list of program related data.

As to "transmitting a notification that the local list is created" Smith
discloses (col.3, lines 37-43) that the user device receives the content
information transmitted from a plurality of content sources based on the user
generated search query.

As to "receiving a transfer request from a requesting device" Smith
discloses (col.7, line 57-col.8, line 1) that based on the user's search query action
from user device, all the contents sources receives the search query request
from the user device and each one provides the list of related data to user
device.

As to "transferring via the network the local list to the requesting device
connected to the network" Smith discloses (col.7, line 67-col.8, line 1) that based
on user search query, content source provides available program related data on
the display device of user terminal as represented in Fig. 4.

As to "programmed means for sending over the network a command
specifying a filtering criterion but not specifying a recipient device, and
transferring via the network another local list from another device connected to
the network" Smith discloses (col.7, line 61-col.8, line 1; col.8, lines 57-59) that
based on the user search query, each content source builds and provides the list
of program related data. Smith further discloses (col.2, lines 61-63) that based
on user search query, system displays results of data found from multiple content
sources to user device. Smith further discloses (col.9, lines 1-8) that when user
selects "related any" option, system searches across various content sources for

relevant data relating to search query. User does not select any specific content source for relevant data.

Smith meets all the limitations of the claim except "creation of the local list." However, Grooters discloses (col.8, lines 8-18) that based on prior user defined preferences, system automatically searches for content related to movie. Grooters further discloses (col.6, lines 43-45; col.7, lines 63-65) that in a local network, list of channels are created for a specific device and transmitted to receiver as represented in Figs. 2 and 3. Therefore, it would have been obvious for one of ordinary skills in the art at the time of invention to create program list in a device before sending it to user device as taught by Grooters so a user could gain access to information regarding the various sources of media available on the user's home network (col.1, lines 42-44).

Combination of Smith and Grooters meets all the limitations of the claim except "a single command is sent to all the devices in the network." However, Kalogeraki discloses (¶0015 and ¶0049) that user's one click (single command) for search query is sent to all the devices, using peer-to-peer search network as represented in Fig. 4. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Smith and Grooters systems by using a single command to send a request to multiple devices as taught by Kalogeraki in order to decrease the response time to a search request (¶0004).

Combination of Smith, Grooters, and Kalogeraki meets all the limitations of the claim except "the recipient device not responding if the respective device has no content corresponding to the criterion." However, Wugofski discloses (col.6, lines 3-31) that information system searches for a device with tuning source in the home network and when it determines that the device in question is not a tuning source (nonresponsive), it continues to look for next device which is a tuning source as represented in Fig. 4 (element 416). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Smith, Grooters and Kalogeraki's systems by using a device that's nonresponsive when there is no requested content present as taught by Wugofski in order to provide up-to-date information of programming with timing so viewer does not need to spend time viewing the source that does not provide any requested content (col.1, lines 19-21).

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pinkal Chokshi/
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425